

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ANDREW WEAVER, JR.,

Plaintiff,

9:12-CV-684

v.

MICHAEL J. AMATO, Sheriff; MICHAEL
FRANKO, Jail Administrator;

Defendants.

THOMAS J. McAVOY,
Senior United States District Judge

DECISION & ORDER

I. INTRODUCTION

This matter was referred to the Hon. Christian F. Hummel, United States Magistrate Judge, for a Report and Recommendation pursuant to 28 U.S.C. § 636(b) and Rule 72.3(d) of the Local Rules of the Northern District of New York. In a Report-Recommendation and Order dated May 31, 2013, Magistrate Judge Hummel recommended that Defendants' motion for summary judgment [dkt. # 9] be granted in part and denied in part. No objections to the Report and Recommendation have been lodged and the time for filing objections has expired.

II. DISCUSSION

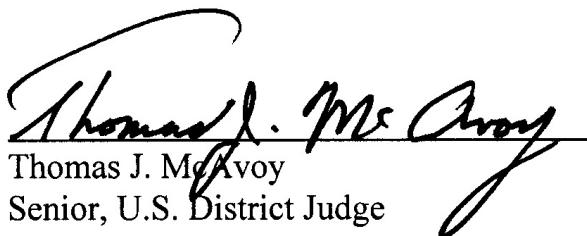
After examining the record, this Court has determined that the Report-Recommendation and Order is not subject to attack for plain error or manifest injustice.

III. CONCLUSION

Accordingly, the Court **ADOPTS** the Report-Recommendation and Order for the reasons stated therein. Defendants' motion for summary judgment [dkt. # 9] is **GRANTED in part and DENIED in part**. The motion is **GRANTED** as to Weaver's condition of confinement and religious freedom claims, and such claims are dismissed. The motion is **DENIED** in all other respects.

IT IS SO ORDERED

Dated: September 24, 2013



Thomas J. McAvoy
Senior, U.S. District Judge